

## §21.6010

job, and not simply the solicitation of jobs on behalf of the veteran.

(Authority: 38 U.S.C. 1524(b)(3)).

(i) *Institution of higher learning.* The term *institution of higher learning* shall have the same definition as is provided in §21.4200(a) of this part.

(Authority: 38 U.S.C. 1524(b)(2))

(j) *Other terms.* The following terms shall have the same meaning or explanation provided in §21.35 of this part.

- (1) Vocational goal.
- (2) Program of education.
- (3) Rehabilitation to the point of employability.
- (4) Counseling psychologist.
- (5) Vocational rehabilitation specialist.
- (6) School, educational institution or institution.
- (7) Training establishment.
- (8) Rehabilitation facility.
- (9) Workshop.

(Authority: 38 U.S.C. 1524)

[53 FR 4397, Feb. 16, 1988, as amended at 55 FR 17271, Apr. 24, 1990; 57 FR 28086, June 24, 1992; 58 FR 41637, Aug. 5, 1993]

### §21.6010 Applicability of rules and administrative procedures under 38 U.S.C., Chapter 31.

(a) *General.* Title 38 U.S.C., section 1524(b)(2)(A) provides, in part, that a vocational training program shall consist of vocationally oriented services and assistance of the kind provided service-disabled veterans under chapter 31, Title 38 U.S.C., and other services and assistance of the kind provided under that chapter as are necessary to enable the veteran to prepare for and participate in vocational training or employment.

(Authority: 38 U.S.C. 1524(b)(2)(A))

(b) *Applicable chapter 31 rules—general.* The rules and procedures in force for administration of the chapter 31 program (§§21.1–21.430) are deemed to be applicable to administration of this program in so far as their use shall not conflict with 38 U.S.C. 1524 or the rules under this subpart. Where a particular grouping of chapter 31 rules are generally applicable, without modifica-

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tion, the rules under this subpart will be deemed to incorporate the chapter 31 rules. The chapter 31 rules may be read as written, but terms such as *chapter 31* and *service-connected disability* shall be understood to read *chapter 15* and *disabilities* whenever used. References in the chapter 31 rules to benefits (subsistence allowances, loans) or eligibility (dependents, service-connection, serious employment handicap) are to be considered inapplicable to this program and do not confer benefits or rights not provided by 38 U.S.C. 1524.

(Authority: 38 U.S.C. 1524)

### §21.6015 Claims and elections.

(a) *Claims by veterans under age 45 for whom participation in an evaluation is required.* A veteran under age 45 who is awarded pension during the program period will be scheduled for an evaluation to determine whether achievement of a vocational goal is reasonably feasible, unless it is determined that the veteran is unable to participate in an evaluation for reasons beyond his or her control. If VA, as a result of the evaluation, determines that achievement of a vocational goal is reasonably feasible, the veteran may elect to pursue a vocational training program. To make this election, the veteran must file a claim, in a form prescribed by VA, for services under this temporary program.

(Authority: 38 U.S.C. 1524(b); Pub. L. 100–687, Pub. L. 100–687, Pub. L. 101–237).

(b) *Claims by qualified veterans for whom participation in an evaluation is not required.* Qualified veterans in the following categories will be provided an evaluation if they request assistance under the temporary program, and are found to have good employment potential. These veterans include:

- (1) Veterans age 45 and more who are awarded pension during the program period;
- (2) Veterans awarded pension prior to the beginning of the program period on